

Chapter 45A, BINGHAMTON HUMAN RIGHTS COMMISSION
[HISTORY: Adopted by the City Council of the City of Binghamton 12-7-11 by L.L. No. 11-3]

§ 45A-20. Name.

Pursuant to General Municipal Law § 239-o, the City of Binghamton hereby establishes the Binghamton Human Rights Commission (the “Commission”).

§ 45A-21. Purpose.

The purpose of the Commission is to condemn discrimination in all its forms, to educate the public, and to pursue by all appropriate means and without delay a policy of eliminating discrimination against people based on age, race, color, creed, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, gender identity or expression, weight or height, veteran status, or criminal conviction to the extent provided by Correction Law § 752.

§ 45A-22. Mission, general duties, and powers.

The guiding mission of the Commission is to:

- A. Foster mutual respect and understanding for the rights of all persons among the diverse communities that comprise the general population of the City of Binghamton and to encourage equal treatment of residents and visitors on the basis of age, race, color, creed, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, gender identity or expression, weight or height, veteran status, or criminal conviction only to the extent provided by Correction Law § 752, with a view to reducing and eliminating such alleged discrimination through the process of conference, conciliation and persuasion.
- B. To conduct and recommend programs and conventions to educate and increase positive and just relationships among inhabitants of the City of Binghamton. To educate the public generally regarding Federal, State and Local human rights law as well as International human rights law (e.g., Universal Declaration on Human Rights, Standard Minimum Rules for Treatment of Prisoners, International Convention on the Elimination of all forms of Racial Discrimination, Convention on the Elimination of Discrimination Against Women) and, whenever possible and practical, to include all the municipalities that comprise the “Greater Binghamton Area” in such educational opportunities.
- C. To hold conferences, and other public meetings in the interest of the constructive resolution of racial, religious and other tensions, and the prejudice and discrimination occasioned thereby.
- D. To inquire into incidents of tension and conflict among or between various racial, ethnic, religious groups, as well as groups based on sexual orientation or gender identity or expression, and to take such action as may be designed to alleviate such tensions and conflict consistent with this Chapter.
- E. To encourage and stimulate agencies under the jurisdiction of the City of Binghamton to take such action, including legislative and other measures to modify or abolish existing laws, regulations, customs and practices which constitute discrimination, as will fulfill the purpose of this Chapter.
- F. To encourage other public and private authorities and institutions, including, but not limited to: governmental authorities, educational institutions, social services, health, and employment or other organizations or enterprises, to act in conformity with International, Federal, State and Local human and civil rights laws.
- G. To receive and review complaints of alleged discrimination because of age, race, color, creed, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, gender identity or expression, weight or height, veteran status, or criminal conviction only to the extent provided by

Correction Law § 752, to seek the active assistance of the New York State Division of Human Rights in the solution of complaints which fall within the jurisdiction of the Division and to assist those individuals who believe that they have or could have a valid claim under the City of Binghamton Human Rights Law.

- H. To report complaints to the New York State Division of Human Rights alleging unlawful discriminatory practices under Article Fifteen of the New York State Executive Law.
- I. To engage in periodic research or cooperate in research on emerging human rights issues, and where desirable, to make the results of such studies public in the form of issuing reports and studies.
- J. To enlist the cooperation and participation of the groups representing the diversity of Binghamton, including community organizations, industry and labor organizations, media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the community mutual esteem, justice, and equity and opening new opportunities into all phases of community life for all individuals.
- K. To receive, accept, and use and expend public grants and private gifts, donations or bequests and other payments, goods, and services, notwithstanding any other provision of law.
- L. To submit an annual report to the City Council of the City of Binghamton and to furnish a copy thereof to the New York State Division of Human Rights. Such report will include a financial report, summary of educational programs, research, investigations, and reports to New York State Division of Human Rights.

§ 45A-23. Officers and employees; expenses.

The Commission shall have the power and authority to employ an executive director, a secretary and such attorneys, experts and other employees as may be necessary, within the amount made available by City Council or from public grants and private gifts, donations or bequests and other payments. The City of Binghamton is hereby authorized and empowered to make such appropriations for such expenses and for the compensation, if any, to be paid to the Members of the Commission.

§ 45A-24. Membership.

- A. Number. The Commission shall consist of seven (7) voting Members and two ex-officio, non-voting Members.
- B. Nominations and Appointments. Candidates to be considered for Membership will be selected or reviewed by the Nominating Committee and recommended to the full Commission for preliminary approval. The slate of nominees approved by the full Commission will then be submitted to the City Council and Mayor to approval and appointment. At its initial meeting and at the last meeting in December each year thereafter, the Commission will select a Chairperson and such other officers as the Commission may deem necessary, by majority vote. For the initial year the Chairperson and other officers will service from the date of the initial meeting until December 31 of that year. Thereafter each Chairperson and other officers will service for one year from January 1 to December 31. A Chairperson and other officers may be re-elected for up to three (3) years.
- C. Composition. Membership on the Commission is open to any private individual or agency representative that is interested in the promotion of human rights in the City of Binghamton. In selecting the Membership of the Commission, the Nominating Committee will attempt to recruit Members from the community who represent the diversity of the community in regard to cultural diversity, ethnicity, age, race, color, creed, religion, national origin, ancestry, disability, marital status,

sex, sexual orientation, gender identity or expression, veteran status, weight or height, or criminal conviction.

- (1) Membership is to include four (4) individuals representative of the community at large.
 - (2) Membership is also to include three (3) individuals representative from advocacy and community organization including, but not limited to, the following organizations:
 - (a) NAACP
 - (b) Binghamton Pride Coalition
 - (c) City Youth Bureau
 - (d) County Youth Bureau
 - (e) Office for Aging
 - (f) Prison Support Network
 - (g) Re-entry Task Force
 - (h) Southern Tier Independence Center
 - (3) Candidates may be suggested by the Director or head of each above agency and submitted to the Nominating Committee.
 - (4) The following individuals shall be ex-officio, non-voting Members:
 - (a) One representative nominated by the City of Binghamton Mayor's Office.
 - (b) One representative nominated by the Binghamton City Council.
- D. Term of Membership. After initial Membership, all Commission Members shall be appointed to a three (3) year term subject to the restrictions mentioned in this Chapter. Members may serve consecutive terms. No more than three (3) Members of the Commission shall expire in any single year. Ex-officio, non-voting Members will be appointed to one (1) year terms and may serve consecutive terms.
- E. Vacancies. In the case of death, resignation, or removal of a Commission Member, a successor to fill the balance of the unexpired term may be recommended by the Nominating Committee, and approved by the Commission, City Council and the Mayor in the same manner as set forth in § 45A-24.B.
- F. Membership responsibilities. All Commission Members will be required to serve on a committee or designate a representative to serve on their behalf. In order to remain a Member in good standing of the Commission, members should attend all meetings or inform the Chairperson of his or her representative, prior to the meeting, of an intended absence. Members who on occasion must miss regularly scheduled Commission meetings are encouraged to send a personal representative except that said person may not vote on behalf of the Member. All Commission Members must personally attend at least three meetings per year. Members will be expected to maintain confidentiality of all cases that come before the Commission to the extent that protects the claimants against legal risk.
- G. Removal. Members may be removed from the Commission by the Mayor and City Council for failing to carry out Membership responsibilities. To be removed a Commission Member must receive a no confidence vote of a supermajority of the Commission (majority plus 1) and such removal confirmed by a majority of City Council and the Mayor.
- H. and procedures. The Commission may adopt such rules and procedures as it may deem necessary and proper to fulfill the purposes of this Chapter. The Commission will meet on the first ____ of each month at ____ __.M. The City will provide a meeting room.
- I. Constituting initial panel of commissioners. The City Clerk will post notice of a request for candidates to serve on the Commission on the City's website, public such notice in the Press & Sun Bulletin, and send a copy of such notice to the organizations listed in § 45A-24.C(2) above. The notice will provide a deadline, not less than fourteen (14) days from the date of publication of the notice, for interested applicants to submit a letter of interest and a resume to the City Clerk.

According to the guidelines set forth in § 45A-22 above, City Council will select seven (7) voting Members from the pool of candidates. The list of candidates for voting Members will then be sent to the Mayor for approval. The Mayor may accept or reject any or all of the candidates. If the Mayor rejects a candidate, City Council may override this decision with the vote of a super majority of City Council (majority plus 1). At the initial meeting the terms of Commission Members will be determined by a random draw (two expiring in one year; three expiring in two years; and two expiring in three years). The City Council and Mayor will each appoint one (1) ex-officio, non-voting Member to the Commission for a one-year term.

§ 45A-25. Standing committees.

The Human Rights Commission shall appoint Standing Committees comprised of not more than three (3) Members, including ex-officio, non-voting Members, of the Commission, to address regular and ongoing aspects of the Commission's work. Each committee shall elect its Chair. The Chair is responsible for setting the date and time of the committee meetings and, preparing agendas, reporting on the progress of the Committee at regular meetings of the Commission. Chair is also responsible for representing the committee to the media when necessary. The Standing Committees include:

- A. Nominating/Membership Committee. This committee is responsible for recruiting and maintaining the seven (7) voting Members of the Commission. The Mayor and City Council are responsible for recruiting and maintaining their ex-officio appointments. Ex-officio Members cannot serve on the Nominating Committee.
- B. Intake Committee. Responsible for conducting initial assessment of cases to determine whether case is within the purview of the Commission. Gather supplementary information to assist in this determination. Refer cases to appropriate subcommittee or outside agency for further action.
- C. Education/Advocacy. Plans, conducts, and co-sponsors educational programs and events that raise awareness of human rights issues in Binghamton.
- D. Conflict Resolution/Ombuds Committee. Assists with finding solutions to discrimination cases that preserve justice while avoiding legal action whenever possible. Upon request can assist in the management of conflict and the resolution of problems. Although this committee does not determine cases, it can offer referrals.